



DEPARTMENT OF
COMMUNITY DEVELOPMENT

**Planning Commission Recommendation
to the Board of County Commissioners**

TO: Clark County Board of Commissioners

FROM: Jeff Wriston, Chair, Clark County Planning Commission

DATE: October 30, 2006

SUBJECT: Bi-Annual Code Changes, Summer 2006, Slate #2

CONTACT: Patrick Lee, 397-2375 ext. 4070

I. SUMMARY

Nineteen (19) code changes are presented. The planning commission recommends approval of all proposed changes.

II. PROCESS

Periodically staff “batch” minor amendments to the Clark County Code to correct scrivener’s errors, clarify standards and codify interpretations of code language brought about by management decisions, hearings examiner or Board of Clark County Commissioners actions. Exhibit 1 is an index of potential changes.

Exhibit 2 is a draft adopting ordinance. Attachment “A” to this exhibit shows the proposed revisions. Language proposed to be ~~deleted~~ is struck-through. Language proposed to be added is double-underlined.

Exhibit 3 is the minutes of the September 21, 2006, planning commission public hearing on the proposed code changes.

Exhibit 4 is the minutes of the October 19, 2006, planning commission public hearing on the proposed code changes.

This is an ongoing program. The need for some of the proposed clarifications was brought to staff’s attention by customer inquiries. The Board of County Commissioners held a work session on August 1, 2006, and directed staff to proceed with the formal review process for these code changes.

A SEPA determination of non-significance was published on September 5, 2006. No comments were received within the comment period.

A Legal notice of the public hearing before the Board of Commissioners was published on October 30, 2006.

The planning commission held a public hearing on September 21, 2006, recommending approval of all but one of the code changes. Item #16 was continued to October 19, 2006, to allow staff to flesh out the proposal in more detail. At staff's request, a minor change to the habitat conservation ordinance was withdrawn on September 21, 2006, because the inaccurate cross-reference to a section of 40.440, was corrected via another process.

No parties submitted or presented testimony on the proposed code changes to the planning commission.

III. ANALYSIS

Planning commission policy discussion centered on items #9, #15, and #16.

While the commission recommended approval of item #9 as proposed, a few commissioners commented that irregular lot configurations may be another reason to allow sidewalks in easements, so that lot depth standards are not violated. Staff suggested that a variance to lot depth standards could be pursued in situations where requiring sidewalks in rights of way or private tracts would result in violations of the standards. The board could consider adding the phrase, "or irregular lot configuration," as follows to address this concern:

- a. Sidewalks may be allowed within easements only where it is demonstrated that such sidewalks can not be located within the established public right-of-way or private roadway tract due to natural features (e.g., significant trees, rock outcroppings, steep topography, etc.) that should be preserved, or irregular lot configuration:

The planning commission directed staff to revise item #15, to allow similar use determinations to be made in industrial zoning districts. As originally drafted, the proposed code amendment precluded the opportunity to make such determinations. Exhibit #2, Attachment "A" includes the policy direction recommended by the planning commission. One planning commissioner desired to see the revised wording prior to recommending approval. The other members of the commission did not feel a supplemental review was necessary.

All planning commissioners supported the concept of improving public notice signing for Type III development permit applications as proposed in item #16. However, they believed that implementation details such as the location where signs were to be posted, required information to be included on the signs, construction specifications and timing for installing and removing signs needed to be fleshed out more. Thus, they

continued this item to October 19, 2006, to allow staff time to develop code wording that addressed these issues. Exhibit #2, Attachment "A" includes the policy direction recommended by the planning commission.

IV. FISCAL IMPACT

The proposed code changes do not have a fiscal impact.

V. RECOMMENDATION

The Planning Commission recommends the Board of County Commissioners favorably consider all of the code change proposals.

Enclosures:

- Exhibit 1 – Bi-Annual Code Changes Index
- Exhibit 2 – Draft Adopting Ordinance
- Exhibit 3 – Planning Commission Minutes, September 21, 2006, public hearing
- Exhibit 4 – Planning Commission Minutes, October 19, 2006, public hearing